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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,499

Applicant(s)

IZUMI, TADANORI

Examiner

Cam-Linh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because In Fig. 1, Applicant fails to place a label into each elements of the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “aggregation” as used in the claims and supported by the Specification appears to be used as synonymous with the term “cluster” as used in the art.

This is in contrast to a statistical measure such as summation or averaging, as is common in the art. It is not clear which is intended. In the interest of compact prosecution, it is considered that “aggregation” is intended to be equivalent to “clustering.”

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over David A. Bader (U.S. 5,467,471) further in view of Aoki et al (U.S. 6,078,913).

♦ As per claims 1, 4, 7,

David A. Bader (U.S. 5,467,471) discloses an automatic aggregation method for automatically aggregating a plurality of records using a computer, the plurality of records each including a plurality of items including a key parameter and a numerical value which is at least related to the key parameter, the method comprising:

- “A key parameter” corresponds to the keywords that will be used to insert to the database (See Fig. 1b, David).
- “A numerical value” corresponds to the “keyword value” which is a number that represented the keyword or parameters as shown in Fig. 1b, col. 6 lines 26 – 49, David.
- “Inputting one of the plurality of records to the computer” See Fig. 1 – 3, David.

David does not implicitly disclose a method of adding nodes to the tree. However, referring to Fig. 1, where David discloses:

- “Adding at least one node, representing contents of the input record, to a position, corresponding to the key parameter included in the input record, of a hierarchical tree” See Fig. 1a – b. Because Fig. 1a and 1b can be jointed (Col. 4 line 43 – 51), therefore, the system must be able to created a newly node to the tree.

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It is also clear that the claimed provision is inherent. Nonetheless, to expedite prosecution, even if the limitation of the above were not inherent, there is evidence disclosed by Aoki et al (U.S. 6,078,913). As noted above, the "aggregation" corresponds to the clustering of Aoki. The system of Aoki includes:

- "Inputting one of the plurality of records to the computer" See Fig. 2, 3A, col. 5 lines 51 – 53, col. 6 line 54 – 56, Aoki.
- "Adding at least one node, representing contents of the input record, to a position, corresponding to the key parameter included in the input record, of a hierarchical tree" See Fig. 2, Fig. 3C, col. 5 lines 62 – 64, col. 6 lines 1 – 33, Aoki.
- "Updating a value of the at least one node" See Fig. 3A, Aoki.
- "Repeating steps (a) through (c) until all the plurality of records are processed" See Fig. 3A – C, Aoki.
- "Outputting an aggregation result for each items" See Fig. 3C element 313, col. 7 lines 24 – 41, Aoki.

Aoki does not clearly disclose "a numeric value" that related to the key parameter.

However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Aoki for the creating a new node and update the value in its into the system of David, because the combination would have provided a dynamically method of creating a hierarchical database (See col. 6 lines 15 – 18, David).

♦ As per claims 2, 5, the combination of David and Aoki discloses:

- "A pointer pointing to one node on a level lower by one than that of each node"
See Fig. 2, element 222, 264, col. 5 line 46 – 48, of David.
- "A pointer pointing to one node on the same level" See Fig. 2, elements 230, 234, 238, col. 5 line 50 – 57, of David.
- "A pointer pointing to one node on a level higher" See col. 5 lines 41 – 45, of David.

♦ As per claims 3, 6, the combination of David and Aoki discloses:

- "Converting the aggregation result for each of the items of the key parameter into the Extensible Markup Language" See col. 5 lines 30 – 34, Aoki.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gupta et al (U.S. 6,438,562) discloses a parallel index maintenance system.
- Tetsuro Motoyama (U.S. 5,353,388) discloses a system a method for document processing.
- Burkes et al (U.S. 6,023,715) discloses a method for creating a organizing a document from a plurality of local or external documents represented as objects in a hierarchical tree.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703 – 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen
Art Unit 2171

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WAYNE AMSBURY
PRIMARY PATENT EXAMINER